

Section 3 Highlights of Community Participation

CERCLA Sections 113 and 117 and NCP Section 300.430(f)(3) require public participation in the remedy selection process. The statute and regulation require that before adoption of any plan for remedial action to be undertaken by EPA, the State, or individual (e.g., potentially responsible party), the lead agency must:

- Publish a notice and make the proposed plan available to the public.
- Include in the proposed plan sufficient information to provide a reasonable explanation of the preferred remedy and alternative proposals considered.
- Provide reasonable opportunity for submission of written or oral comments and an opportunity for a public meeting at or near the site regarding the proposed plan and any proposed findings relating to cleanup standards.
- Keep a transcript of the meeting and make such transcript available to the public.

Additionally, notice of the final remedial action plan set forth in the ROD must be published and the plan must be made available to the public before commencing any remedial action. Such a final plan must be accompanied by a discussion of any significant changes to the preferred remedy presented in the proposed plan along with the reasons for the changes. A response (responsiveness summary) to each of the significant comments, criticisms, and new data submitted in written or oral presentations during the public comment period must be included with the ROD.

EPA has conducted the required community participation activities and additional community involvement activities through an extensive program of community involvement, the components of which are outlined below.

3.1 Release of a Proposed Plan

The BPSOU Proposed Plan was released to the public on December 20, 2004. The plan presented an overview of the site and presented EPA's preferred alternative for remediation. It also discussed the comment period, how to provide comment, and notice of the time and place of public meetings regarding the Proposed Plan.

The Proposed Plan was sent by mail to approximately 100 people on December 20, 2004 and was hand-delivered to high priority parties and individuals in Butte. Copies were also made available at the Citizens Technical Environmental Committee office on December 20, 2004.

Copies of the Remedial Investigation, Risk Assessments, Feasibility Study, and Proposed Plan were made available to the public for review at the following locations:

- Montana Tech Library, located at West Park in Butte, Montana
- Butte EPA Office, located at 155 West Granite in Butte, Montana
- EPA - Montana Office, located at 10 West 15th Street, Suite 3200, in Helena, Montana

3.2 Monthly “Superfund and You” Newspaper Column

On December 12, 2004, 12 days prior to the release of the Proposed Plan, the upcoming release was announced in the monthly column placed by EPA in The Butte Standard. The upcoming public meeting was also announced. The title of the column was "Superfund and You - EPA's Proposed Plan for the Butte Cleanup." This was the 13th in a series of monthly columns that were initiated to raise public awareness of the upcoming Proposed Plan and ROD. The columns covered issues of special interest to the public, especially where there was an event or an opportunity for public involvement.

3.3 EPA Press Release

On December 20, 2004, EPA issued a press release announcing the release of the Proposed Plan, how and where the plan could be obtained, and the date of the public meeting. The press release was sent to the following media outlets:

- The Montana Standard - the local daily paper
- Butte Weekly - a free weekly paper
- The ‘Roun’Town Review - a free monthly paper
- Technocrat - Montana Tech newspaper
- The Missoulian - a daily newspaper in a nearby community
- The Helena Independent Record - a daily newspaper in a nearby community
- The Great Falls Tribune - a daily newspaper in a Montana community
- The Bozeman Daily Chronicle - a daily newspaper in a nearby community
- The Billings Gazette - a daily newspaper in a Montana community
- The Lee Newspapers State Bureau
- The Associated Press
- KBOW-AM/KOPR-FM - a local radio station
- KMSM-FM- the local university radio station
- KXTL-AM/ KMBR-KAAR - FM - a local radio station

- KUFM Missoula - the nearest public radio station

3.4 Display Advertisements

A total of four individual display advertisements were prepared and placed in one or more of the local newspapers after the release of the proposed plan. The display ads consisted of:

- Announcement of the release of the proposed plan and planned public meeting
 - The Montana Standard (local daily newspaper) on December 22, 2004
 - The Butte Weekly (the free weekly newspaper) on December 23, 2004
 - The 'Roun'Town Review (free monthly newspaper) on January 3, 2005
- Announcement of details of the first public meeting
 - The Butte Weekly on January 19, 2005
 - The Montana Standard on January 22, 23 and 24, 2005
- Announcement of extension of the comment period
 - The Butte Weekly on January 19, 2005
 - The Montana Standard on January 22, 23 and 24, 2005
- Announcement of details of the second public meeting
 - The Montana Standard on March 11, 13, and 14, 2005

3.5 Public Comment Period

The public comment period for the proposed plan was initially set at 60 days. This period was subsequently extended to 90 days (December 20, 2004 to March 20, 2005) based on feedback from the public.

3.6 Summary Fact Sheet

A four-page fact sheet devoted entirely to the Proposed Plan, entitled "Summary of the Proposed Plan", was sent to EPA's Butte mailing list on December 20, 2004. The fact sheet was also distributed to the general public as an insert in the Montana Standard on December 22, 2004. It was included as an insert in the Butte Weekly on December 23, 2004. A total of 25,000 fact sheets were printed for insertion into the two newspapers.

3.7 Public Hearings

Two public hearings were held in Butte after the release of the Proposed Plan. The first was on January 25, 2005 at the Montana Tech campus. Approximately 150 people

attended that meeting. The second meeting was held on March 15, 2005 at the Elks Lodge in uptown Butte (206 W. Galena Street) and had approximately 30 attendees.

These meetings were focused on accepting formal oral comments from the public. Thirty-two people provided oral comment at the first meeting and 10 did so at the second meeting. A court reporter transcribed the comments and EPA made the meeting transcripts available to the public by placing them in the Administrative Record.

3.8 EPA Web Site

The Proposed Plan and the meeting date were published on the web page below on Jan. 3, 2005. The web address is www.epa.gov/region8/superfund/sites/mt.

3.9 Butte Citizen's Working Group

EPA funded the "Butte Citizens' Working Group" to provide another opportunity for interested residents to discuss issues related to Superfund activities and to provide input to the remedy selection process. The group provided comments on the Proposed Plan during the formal comment period.

3.10 Available Supporting Documents

The Administrative Record, including the Remedial Investigation and Feasibility Study, was available for public review and comment during the Proposed Plan public comment period. The documents available included the following:

- Phase II Remedial Investigation Report, Butte Priority Soils Operable Unit, Silver Bow Creek/Butte Area Superfund Site, prepared by ARCO dated April 2002. Report is two volumes - Volume I: Text and Appendices, Volume II: Tables, Figures, & Plates.
- Addendum - Final Phase II Remedial Investigation (RI) Report, Butte Priority Soils Operable Unit (BPSOU), prepared for the PRP Group by MFG, Inc., dated May 14, 2003.
- Response Action Summary Document, prepared by ARCO dated October 2, 2003.
- Phase II Feasibility Study Report, Butte Priority Soils Operable Unit, Silver Bow Creek/Butte Area Superfund Site, prepared by ARCO dated April 2004.
- Final Preliminary Baseline Risk Assessment, Priority Soils Operable Unit, Silver Bow Creek/Butte Area NPL Site, Butte, Montana, prepared for EPA by CDM dated April 26, 1991.
- Final Preliminary Baseline Risk Assessment, Lower Area One, Silver Bow Creek/Butte Area NPL Site, Butte, Montana, prepared for EPA by CDM dated August 25, 1991.

- Draft Baseline Risk Assessment for Lead, Expedited Response Action, Priority Soils Operable Unit, Silver Bow Creek/Butte Area NPL Site, prepared for EPA by CDM dated February 11, 1994.
- Final Risk Assessment, Butte Priority Soils Operable Unit, Baseline Human Health Risk Assessment For Arsenic, Silver Bow Creek/Butte Area NPL Site, Butte, Montana, prepared for EPA by CDM dated April 29, 1997.
- Technical Memorandum, Addendum to the Baseline Human Health Risk Assessment, Evaluation of Human Health Risks Associated With Exposure to Alluvial Ground Water, Silver Bow Creek/Butte Area NPL Site, Butte-Silver Bow County, Montana, Butte Priority Soils Operable Unit, prepared for EPA by CDM dated July 26, 2000.
- Final Baseline Ecological Risk Assessment, Silver Bow Creek/Butte Area NPL Site, Butte Priority Soils Operable Unit, Butte, Montana, prepared for EPA by CDM dated September 21, 2001.

3.11 Responsiveness Summary

A responsiveness summary that summarizes significant public comments received during the comment period and EPA responses is included as Part 3 of this ROD.

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